

CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "B"
October 30, 2013
5:30 P.M.

MINUTES

The Building & Standards Commission Panel "B" held a public hearing at the El Paso City Council Chambers, Wednesday, October 30, 2013 at 5:30 p.m. with the following members present:

Board Members Present:

Andrew Haggerty
Conrad Conde
Christina Contreras
Ben Bohannon
Terri Munoz
Angel Ochoa
Michael Bray

Conrad Conde 6:06
Angel Ochoa 6:10

Others Present:

Elda Rodriguez-Hefner, Code Compliance Manager
Wendi Vineyard, Assistant City Attorney
Tom Maguire, Chief Building Inspector
Nathan Walsh, Chief Building Inspector
Sonyah Cahalan, Building Inspector
Janeth Loya, Building Inspector
Sal Reyes, Building Inspector
Alexandro Esparza, Building Inspector
Nellie Avalos, Building Inspector
Rodolfo Huerta, Building Inspector
Diana Cedillo, Senior Office Assistant

AGENDA

Call to Order

- I. The Building & Standards Commission meeting, Panel "B" was called to order by Chairman Haggerty at 5:36 p.m.

Chairman Haggerty swore in all witnesses present to give testimony on the cases heard.

- II. Approval of the Building and Standards Commission 2014 meeting calendar
- III. Approval of the August 28, 2013 minutes

Motion made by Conrad Conde, seconded by Angel Ochoa, to approve the August 28, 2013 minutes, unanimously passed.

Regular Items:

- IV. Public hearing to determine if the property located at 2717 San Diego in the City of El Paso, is in compliance with the order of July 31, 2013, and if not, to determine penalties. The owners of this property are identified as Mike Herrera and he has been notified of this hearing.

The owner has been notified of the violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

1. That the structures be demolished within thirty (30) days and;
2. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
3. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring

the property into compliance, and place a lien on the property for the work which will be done by the City.

4. That said Owners shall become personally liable for all costs incurred by City in connection with securing the buildings and maintaining the buildings secured; and cleaning the premises of all weeds, trash, and debris, shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien.

Nathan Walsh, Chief Building Inspector, read the item to record.
Rudy Huerta, Jr., Building Inspector presented the case.

Mr. Herrera, property owner stated that he has cleaned the debris in the backyard and that he turned in an engineer's report. He states that the engineer's indicated that the property can be preserved if certain details were repaired.

Inspector Huerta states that the engineer's report was only a statement and not stamped.

Mr. Herrera states that he paid an engineer; Mr. Conde to visit the property and make recommendations on what needed to be done on the property.

Mr. Maguire recommends that a set of plans be shown for the property along with the engineer's recommendations. The set of plans would allow the issuing of the permit to rehabilitate.

Mr. Bray inquires about the time frame that the Historic Commission gives to remodel property.

Mr. Maguire states that the obtaining of the building permit as well as working with the engineer can be done concurrently.

Mr. Haggerty questions the modification of the Final Order.

Mr. Maguire states that if at the end of thirty (30) days, a permit has been submitted, the permit has a life of six (6) months unless an inspection has been done, in which the permit is extended for another six (6) months with ongoing construction. Once the Building Final is signed, the certificate of occupancy is restored, which precludes condemnation of the property, if that is what Board Members decide.

Mr. Bray asks Mr. Maguire if the panel should keep the order as giving Mr. Herrera thirty (30) days demolish property, in which provides Mr. Herrera the time to produce drawing, stamped engineer's report and obtain permit.

Mr. Maguire states at the end of the thirty (30) days, there will be an inspection done by Code and if permits have been issued and workers have begun work, there should be no issue.

Mr. Bray questions Mr. Herrera if he would be able to comply with the current order; Mr. Herrera states that it will cost \$4000 for the plans.

Mr. Conde is questioning if he should abstain from the case due to his father being contracting company that Mr. Herrera has hired to obtain the engineer's report.

Mr. Maguire clarifies the recommendation for staff, stating that in the sixty (60) days, the engineering plans for rehabilitation of reinforcement of exterior walls are completed, drawings to reconstruct the property be submitted and permits be obtained within sixty (60) days.

Ms. Vineyard states that Mr. Conde has stepped out of the meeting at 6:06 p.m.

Motion made by Ben Bohannon, seconded by Michael Bray, to accept amended staff recommendations for sixty (60) days, unanimously carried.

Quorum is still maintained as Mr. Ochoa steps out at 6:10.

- V. Public hearing to determine if the property located at 127 S. Seville Drive, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish property. The owner of this property has been identified as, Louis Gomez and Carmen Garcia Gomez, and they have been notified of this hearing.

Nathan Walsh, Chief Building Inspector, read the item to record.
Janeth Loya, Building Inspector, presented the case.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken and therefore the Division recommends that it be found:

1. That the structures be condemned as substandard and unfit for habitation for use and a hazard to the public health, safety and welfare; and
2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the certificate of occupancy be revoked; and
4. That the structures be demolished within thirty (30) days; and
5. That the premises be secured and cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
6. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Motion made by Michael Bray, seconded by Ben Bohannon, to accept staff recommendations, and unanimously carried.

- VI. Public hearing to determine if the property located at 5540 Edinburg Drive, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested party has been identified as Jaime J. Tucker, and he has been notified of this hearing.

Nathan Walsh, Chief Building Inspector, read the item into the record.
Alexandro Esparza, Building Inspector, presented the case.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structures can be rehabilitated; and
5. That the structure be secured within thirty (30) days maintained secure thereafter; and
6. That the structure must be registered as vacant building
7. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
8. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Nellie Avalos, Building Inspector, states that there was a change in legal area, so titles were delayed. Once received, the process of condemnation continued.

Jaime Javier Tucker, property owner, states that the property was damaged in 2010 and is his mother's property. He is in agreement to continue to remove trash and debris from the home.

Motion made by Michael Bray, seconded by Ben Bohannon, to accept staff recommendations, and unanimously carried.

- VII. Public hearing to determine if the property located at 3428 E San Antonio, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested party has been identified as Francisco Perez Ramirez, and he has been notified of this hearing.

Nathan Walsh, Chief Building Inspector read the item to record.
Alexandro Esparza, Building Inspector, presented the case.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy remain revoked; and
4. That the structures cannot be rehabilitated; and
5. That the structures be demolished within thirty (30) days; and
6. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Ray Mancera, representative for the property owner, Francisco Perez Ramirez, claims the Mr. Perez purchased property in a tax sale. Mr. Mancera is requesting the necessary time to do the following: if indeed the property is unsound, the owner will demolish if inhabitable; he is also requesting that approval be given for a 3rd party (structural engineer) to evaluate the property within sixty (60) days as they would like to obtain several quotes. If possible, granting of ninety (90) days to comply and work with staff.

Mr. Bray verifying that the property is in zone C2 which is a residential area;

Ms. Hefner states that the sixty (60) days is allowed.

Mr. Haggerty states the sixty (60) days is granted along with the staff recommendations.

Motion has already been made for modifications for sixty (60) days to comply as opposed to the thirty (30) initial days in staff recommendations. A brief discussion between Mr. Mancera and Mr. Maguire ensued regarding the property's past violations dating back to 2005 and current habitability issues as well as current code requirements.

Motion made by Ben Bohannon, seconded by Christina Contreras, to accept modified staff recommendations, and unanimously carried.

- VIII. Public hearing to determine if the property located at 401 Riverside Drive, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as,

Celia Jauregui Sullivan, Administratrix of the Estate of Edward Joseph Sullivan, deceased (record owner(s)) and E J & Celia Sullivan (certified owner(s)) and they have been notified of this hearing.

1. That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structures is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structures cannot be rehabilitated; and
5. That the structures be demolished within thirty (30) days; and
6. That the camper be removed within thirty (30) days; and
7. The dilapidated in-ground swimming pool be demolished and filled in within thirty (30) days; and
8. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
9. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Nathan Walsh, Chief Building Inspector read the item to record.
Sal Reyes, Building Inspector, presented the case.

Maggie Sullivan, daughter to owner requesting the continuance for the cleanup of the property. Ms. Sullivan states that Naomi Gonzales is assisting her with the compliance of the property. She is having a construction company visit the property for assessment. Ms. Sullivan states that there has been damage to the property such as broken windows and doors by unwanted persons. She does have assistance in cleaning up the property.

Ms. Vineyard states that a continuance is only allowed if the property owner did not receive the notice ten (10) days before the hearing and not for the purpose of delay.

Mr. Maguire suggests that the staff recommendation partially be accepted in regards to the trailer and accessory structure. Recommendations should be modified to have the trailer demolished and the accessory structure be demolished and the pool be filled in thirty (30) days.

Mr. Haggerty states that there is a safety and hazard issue since last July.

Mr. Bray is concerned with the bee infestation; it is a current hazard, as well as no property taxes have been paid.

Ms. Sullivan states that her mother was tax exempt since May 2013.

Ms. Vineyard states the she has spoken with Ms. Angelica Lewis from Representative Gonzales' office and they are attempting to assist the property owner with the rehabilitation of the property, as well as work with nonprofit organizations to assist owner as well.

Mr. Bray states that an identifiable plan is essential for the rehabilitation of the property.

Mr. Maguire states that in order for the extension of ninety (90) days to be granted, there needs to be a plan of action for the property with accountable steps so that upon return to board, it is noted what work has been accomplished or not accomplished.

A brief discussion about the non-profit organizations that Ms. Sullivan has been in contact with is conducted amongst staff and board members.

Modifications to the staff recommendations have been made; motion has been made for thirty (30) days to renovate the pool, trailer and accessory structure.

Motion made by Ben Bohannon to grant the owner thirty (30) days to remedy the property as per amended staff recommendations, referring to removal of the pool, trailer and accessory structure; as well as to present a written plan for removal of the

continuous bee infestation and property repairs, in the month of February to Panel B board members, seconded by Christina Contreras, to accept amended staff recommendations, and unanimously carried.

- IX. Public hearing to determine if the property located at 1828 W. Paisano Drive, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as Hart's Homestead, L.P. – Texas and Hart's Homestead LP % Charles Johns, and they have been notified of this hearing.

Nathan Walsh, Chief Building Inspector read the item to record.
Rudy Huerta, Jr., Building Inspector, presented the case.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structures can be rehabilitated; and
5. That the structures be vacated within thirty (30) days; and
6. That the structure be secured within thirty (30) days maintained secure thereafter; and
7. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
8. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Mr. Bray inquires about the number of occupants.

Inspector Huerta confirms that there was about 10-12 tenants and they are currently in the process of being relocated by the Relocation Department with the City of El Paso. The owner has already issued eviction notices for the current tenants.

Mr. Maguire makes the suggestion that since the apartments are in the vacating process, he is recommending, that Mr. Fred Dolbin, has hired an architect, is currently working on the plan to address the structural deficiencies and the interior walls. Mr. Maguire is recommending that staff should allow Mr. Dolbin to determine a plan for fixing the exterior walls, if owner will agree board up the apartments in accordance to the Vacant Building Ordinance, as well as registering the property as a vacant building and maintaining the registration yearly, the building can remain boarded up and vacant until the plan has been made on how to proceed; recommending sixty (60) days to fix structural deficiencies; as well as maintain and secure property.

Owner is in favor of the recommendations; although he has been trying to sell them for some time.

Amended recommendations to give owner sixty (60) days to vacate property, board and secure according the Vacant Building Ordinance and maintain registration annually until a credible plan has been established on how to reuse the building, and structural repairs.

Motion made by Ben Bohannon, seconded by Andrew Haggerty, to accept amended staff recommendations, and unanimously carried.

- X. Public hearing to determine if the property located at 1836 W. Paisano Drive, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as Hart's Homestead, L.P. – Texas and Hart's Homestead LP % Charles Johns, and they have been notified of this hearing.

Rudy Huerta, Jr., Chief Building Inspector read the item to record and presented the case.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and
4. That the structures can be rehabilitated; and
5. That the structure be vacated within thirty (30) days; and
6. That the structure be secured within thirty (30) days maintained secure thereafter; and
7. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
8. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Amended recommendations to give owner sixty (60) days to vacate property, board and secure according the Vacant Building Ordinance and maintain registration annually until a credible plan has been established on how to reuse the building, and structural repairs.

Motion made by Michael Bray, seconded by Ben Bohannon, to accept amended staff recommendations, and unanimously carried.

- XI. Public hearing to determine if the property located at 708 S. Hills St., in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested party has been identified as Rafael Yepiz, and he has been notified of this hearing.

Nathan Walsh, Building Inspector read the item to record.
Nellie Avalos, Building Inspector, presented the case.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure is substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy remain revoked; and

4. That the structures cannot be rehabilitated; and
5. That the structures be demolished within thirty (30) days; and
6. That the premises be cleaned within thirty (30) days and maintained clean thereafter; and
7. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Mr. Ray Mancera, representative for the current owner, Rafael Yepiz, speaks on behalf of the owner; requesting sixty (60) days to obtain permits and plans to evaluate the condition of the property with a general contractor and submit for approval.

Amended staff recommendations are to give new owner thirty (30) days to secure and clean property, and sixty (60) days to obtain necessary permits. If not completed, original staff recommendations are to be followed.

Motion made by Ben Bohannon, seconded by Michael Bray, to accept amended staff recommendations, and unanimously carried.

XII. Adjournment

Motion made to adjourn the meeting by Ben Bohannon, seconded by Christina Contreras, was unanimously carried. The meeting adjourned at 8:27 p.m.

Andrew Haggerty, Chairman, Panel "B"

Tom Maguire, Chief Building Inspector
Code Compliance Division